

CENTRAL VALLEY FLOOD PROTECTION BOARD
September 16, 2008

Property Management: Consent Calendar Item No. 6S

SUBJECT:

Cache Creek Setback Levee, Milepost 1.1, Dewey (*Linus Paulus*)

Consider actions to correct an error discovered in the legal description of a grant deed executed to the Central Valley Flood Protection Board. Corrective actions include executing a quitclaim deed from the Central Valley Protection Board to the Harry J. Dewey and Marion J. Dewey Revocable Trust for Parcel No. 13595 A, C, and D, and executing a grant deed from the Harry J. Dewey and Marion J. Dewey Revocable Trust to the Central Valley Protection Board for Parcel No. 13721.

LOCATION:

The property is located at Levee Mile 1.1 on the north bank of Cache Creek, near the terminus of County Road 97B, approximately one mile southwest of Interstate 5, in Yolo County.

REQUEST:

- Approve the execution of the quitclaim deed and the grant deed

STAFF RECOMMENDATION: Approval

JUSTIFICATION:

- No monetary consideration is included in this transaction.
- Approval of this transaction will remove the temporary construction easements from recorded title.
- The execution of the documents corrects an error in the legal description of the original grant deed.
- Approval of these transactions will allow for the issuance of access easements over the relocated access road based upon the newly recorded easements with correct legal descriptions.
- Granting the outstanding access easements will complete project activities at this site.

PREVIOUS BOARD ACTION:

None

Background

The Central Valley Flood Protection Board purchased 1.65 acres in fee simple, and 0.87 acres of temporary construction access easements (CVFPB Parcel No. 13595 Units A, B, and D) for the construction of two setback levees as part of the Cache Creek Erosion Damage Repair Project, Levee Miles 0.8 and 1.1.

The erosion repair sites were two of the twenty-four critical erosion sites identified in Governor Schwarzenegger's February 2006 Declaration of a State of Emergency. The setback levees constructed under the Cache Creek contract were the first of the twenty-four critical erosion sites completed during 2006.

Construction began at this site on August 19, 2006 and was completed September 15, 2006. Escrow closed on Parcel No. 13595 on May 18, 2007. While reviewing files regarding neighboring landowners, DWR Cadastral Surveys and Land Records staff discovered an error in the recorded deed for Parcel No. 13595. To correct the legal description error, DWR staff has prepared a quitclaim deed and a new grant deed with a revised legal description. All temporary construction easements would be quitclaimed to the grantor as well.

After executing the quitclaim deed for Parcel No 13595 and recording the new grant deed for Parcel No. 13721, DWR can proceed with granting easement deeds to all the neighboring landowners affected by the relocation of the private driveway required by the construction of the setback levee at Levee Mile 1.1.

ATTACHMENTS:

Quitclaim Deed
Grant Deed
Vicinity Map
Photographs of access road

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

QUITCLAIM DEED

EMERGENCY LEVEE REPAIRS 2006
Project CACHE CREEK NORTH LEVEE REPAIR

Parcel No. 13595 A, C, & D
196-G, 3-2796

The SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board of the STATE OF CALIFORNIA, does hereby release and quitclaim to **THE HARRY H. DEWEY AND MARION J. DEWEY REVOCABLE TRUST** all right, title and interest in and to the hereinafter described real property:

All of Parcels 13595-A, 13595-C, and 13595-D lying in Sections 12 & 13, Township 10 North, Range 1 East, M.D.M., County of Yolo, State of California, conveyed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT in that Grant Deed recorded May 18, 2007, in Document number 2007-0018216-00, Official Records of said County.



State of California
The Resources Agency
Department of Water Resources
THE CENTRAL VALLEY FLOOD
PROTECTION BOARD

Parcel No. 13595-A,C,D

Executed this _____ day _____, of 20 _____

SACRAMENTO AND SAN JOAQUIN DRAINAGE
DISTRICT, acting by and through The Central Valley
Flood Protection Board of the State of California.

By _____
President

By _____
Secretary

Approved as to Legal Form

Signed and delivered in the presence of:

Counsel, The Central Valley Flood Protection Board

STATE OF CALIFORNIA }

SS

County of _____

On _____, 20 _____, before me, _____

personally appeared _____ who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal

[SEAL]

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sacramento

On July 16, 2008 before me, Linus H. Paulus, Notary Public,
(Here insert name and title of the officer)

personally appeared Harry H. Dewey and Marion J. Dewey

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Land and Right of Way

Real Estate Branch

1416 9th Street, Room 425

Sacramento, California 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE

GRANT DEED

(Individual)

EMERGENCY LEVEE REPAIRS 2006

Project CACHE CREEK SITE 2

Parcel No. 13721

196-G

**THE HARRY H. DEWEY AND MARION J. DEWEY REVOCABLE TRUST,
HARRY H. DEWEY AND MARION J. DEWEY, AS TRUSTEES,**

hereinafter referred to as Grantor, grants to the SACRAMENTO AND SANJOAQUIN DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board of the State of California, a public agency, all that real property in the County of Yolo, State of California, more particularly described as follows:

All that real property lying in projected Section 12, Township 10 North, Range 1 East, M.D.M., County of Yolo, State of California, being a portion of the lands conveyed to the HARRY H. DEWEY AND MARION J. DEWEY REVOCABLE TRUST in that Grant Deed recorded May 31, 1991 in Book 2231, page 477, Official Records of said County, described as follows:

PARCEL 13721

Beginning at a point lying on the Southerly boundary of the lands of the Grantor also being the North line of Lot 6 as shown on The Map Showing Subdivision of the Parrish Estate, recorded November 3, 1913, in Book 3 of Maps, Page 5, Official Records of said County, said Point of Beginning also lying on the Southerly boundary of lot F-2 as shown on the Record of Survey of Dora Woodard Lands, recorded November 8, 1916, in Book 4 of Maps and Surveys, page 34, said Point of Beginning also lying on the landside right of way of the lands conveyed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT described as Parcel A in that Deed 2738, recorded September 2, 1960 in Book 614, Page 86, Official Records of said County, said Point of Beginning bears South 73° 05' 50" East 1350.99 feet from a found gaspipe set in concrete at the Northwest Corner of the said Lot 6 as shown on said Subdivision Map, said point of beginning also bears North 60° 45' 30 West 3177.72 feet from a found California Department of Transportation Survey Disk stamped "HPGN CA 03 08";

THENCE FROM SAID POINT OF BEGINNING along said landside right of way the following two (2) courses:

- (1) North 58° 40' 30" East 190.38 feet; and
- (2) North 67° 13' 50" East 133.00 feet;

thence leaving said landside right of way the following five (5) courses:

- (1) West 245.25 feet;
- (2) North 13° 58' 08" East 124.28 feet;
- (3) North 60° 15' 18" West 40.31 feet;
- (4) South 59° 09' 44" West 390.16 feet; and
- (5) South 8.36 feet, to a point on the centerline of North Avenue as shown on said Subdivision Map, said North Avenue abandoned by Order of the Board of Supervisors of said County, June 4, 1923, recorded in Book P of Supervisor's Minutes, Page 257, Official Records of Said County, said centerline also being the Southerly boundary of Lot 1 upon abandonment of said North Avenue;

thence along said centerline, and said Southerly boundary South 71° 49' 29" East 284.20 feet;

thence leaving said centerline and said Southerly boundary, North 19° 25' 31" East 15.00 feet, to a point lying on the common boundary of said Lot 6 and said Lot F-2;

thence along said common boundary South 71° 49' 29" East 26.29 feet, to the Point of Beginning.

Containing 1.62 Acres, more or less.

Bearings and Distances used in the above description are based on the California Coordinate System, Zone II, CCS 83 (1991.35). Distances shown herein are grid, to convert to ground, multiply by 1.0000645



State of California
The Resources Agency
Department of Water Resources
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

Grantor, for himself, his successors and assigns, hereby waives any claims for any and all damages which will accrue to the remaining property of grantor by reason of its severance from that portion granted herein and the construction of the improvement in the manner presently proposed.

Executed on

7-16-08

Harry H Dewey
HARRY H DEWEY

Marion J. Dewey
Marion J. Dewey

GRANTOR(S)

STATE OF CALIFORNIA }

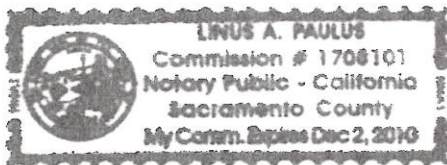
SS

County of Sacramento

On July 16, 2008, 20____, before me, Linus A. Paulus, Notary Public
personally appeared HARRY H DEWEY and MARION J. DEWEY who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
true and correct.

WITNESS my hand and official seal



[SEAL]

Linus A. Paulus
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

This is To Certify, That the real property or interests therein described in the within deed to the SACRAMENTO AND SAN JOAQUIN
DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board of the State of California, a public agency, is hereby
accepted on behalf of the grantee.

Dated _____, 20____.

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

By _____

(Title)
DEPARTMENT OF WATER RESOURCES

121° 48' 45.00" W

121° 48' 40.00" W

121° 48' 35.00" W

038° 43' 25.00" N

038° 43' 25.00" N

038° 43' 20.00" N

038° 43' 20.00" N

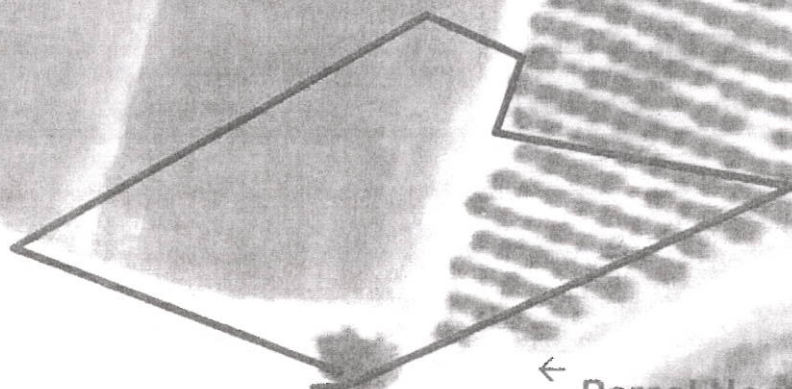
038° 43' 15.00" N

038° 43' 15.00" N

121° 48' 45.00" W

121° 48' 40.00" W

121° 48' 35.00" W

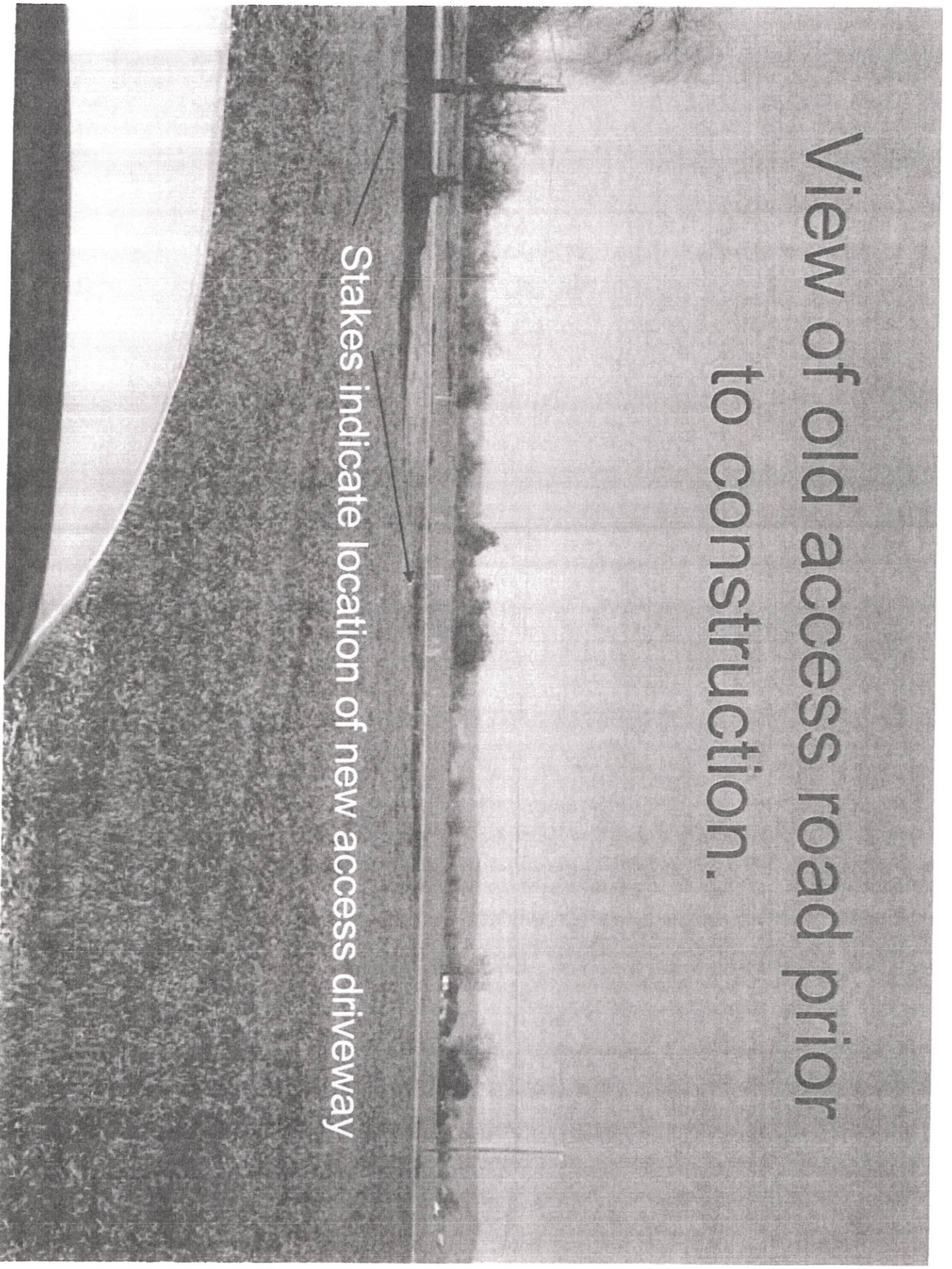


← Parcel No. 13595, Unit A

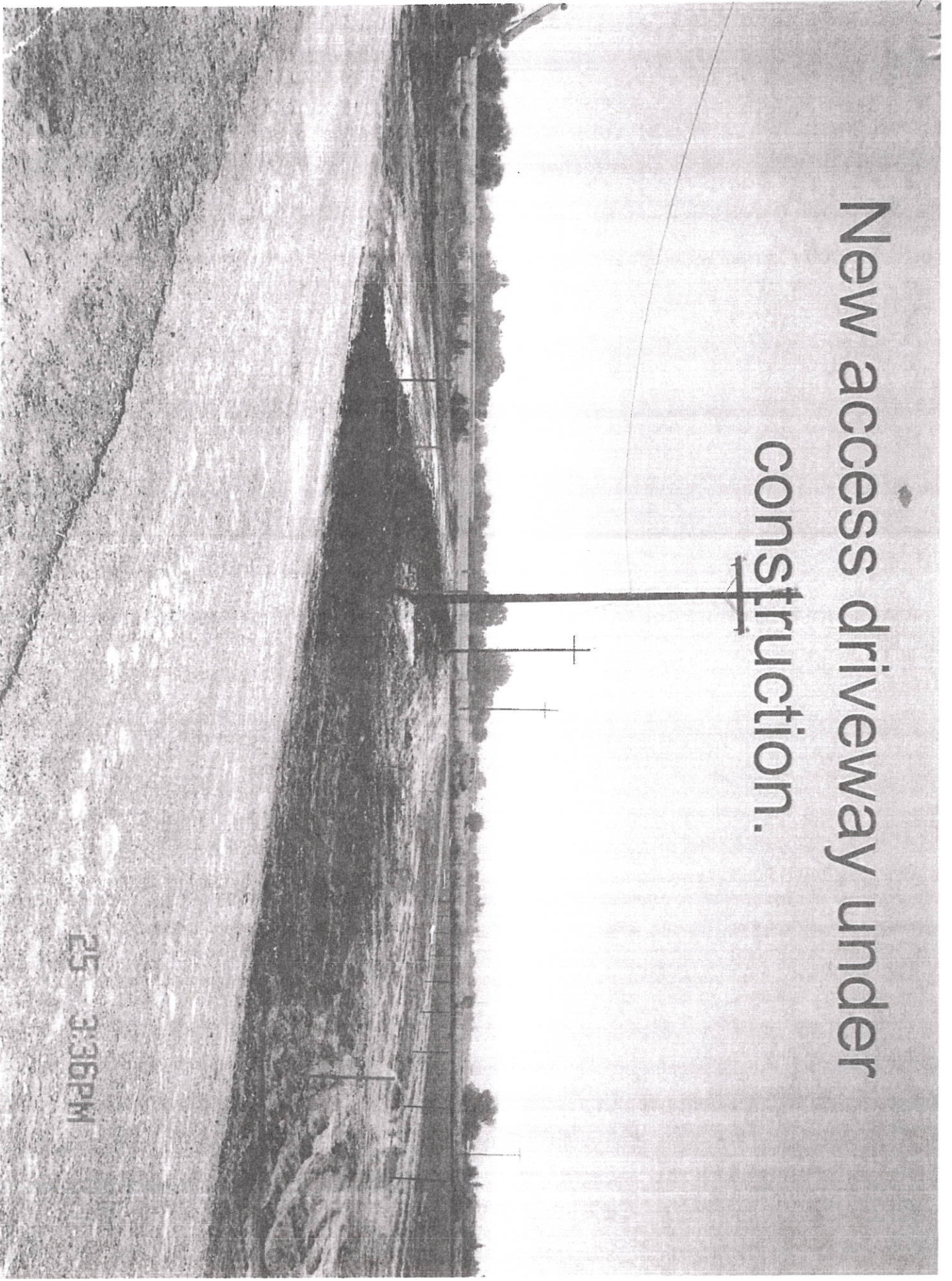


View of old access road prior to construction.

Stakes indicate location of new access driveway



New access driveway under construction.



25 3:36PM

Completed access driveway and turnaround at end of County Road 97B

New access driveway

18 1:14PM

